

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**ROBERT PARTEE and his wife
GLENDA PARTEE,**

Plaintiffs,

vs.

Case No. _____

FARMERS INSURANCE GROUP,

Defendant.

NOTICE OF REMOVAL

**TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, WESTERN DIVISION:**

Defendant, Mid-Century Insurance Company, improperly named Farmers Insurance Group (hereinafter referred to as "Defendant"), is a Defendant in the civil action brought on April 23, 2009 in the Circuit Court of Shelby County, Tennessee. Pursuant to provisions of 28 U.S.C. §§ 1441 and 1446, this Defendant gives notice to the Honorable Judges of the United States District Court for the Western District of Tennessee, Western Division, of removal of this action to the United States District Court for the Western District of Tennessee, Western Division, which is the judicial district and division in which the state action is pending.

1. The grounds for removal of this action are:

a. On April 23, 2010, the Plaintiffs commenced an action against Defendant in the Circuit Court of Shelby County, Tennessee, *Robert Partee and his wife Glenda Partee v. Farmers Insurance Group*, Docket No. CT-002091-10, attached hereto as Exhibit A.

b. On May 11, 2010, service was received by the Secretary of State for Defendant.

c. The Plaintiffs are citizens and residents of the State of Tennessee. Defendant is a California corporation with its principal place of business in Los Angeles, California. Therefore, complete diversity of citizenship exists between the Plaintiffs and Defendant in this action.

d. The Plaintiffs' Complaint seeks damages in excess of Three Hundred and Fifty Thousand Dollars (\$350,000). Consequently, the amount prayed for in the Plaintiffs' Complaint exceeds Seventy-Five Thousand Dollars (\$75,000) as required by 28 U.S.C. § 1332.

e. The action is a civil action for damages arising out of an alleged breach of contract and a bad faith denial of an insurance claim.

2. This Court would have original subject matter jurisdiction over this action under the provisions of 28 U.S.C. § 1332 if the action had originally been brought in Federal Court. Removal is, therefore, proper under 28 U.S.C. § 1441(a).

3. Removal of this case on the basis of diversity of citizenship is not precluded by any of the provisions of 28 U.S.C. § 1441(b).

4. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) in that Defendant was served in this matter on May 11, 2010. This Notice of Removal is filed within thirty (30) days of service and is thus timely filed under 28 U.S.C. § 1446(b).

WHEREFORE, the removing party prays that the above-entitled action be removed from the Circuit Court of Shelby County, Tennessee to this Court.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

By: /s/ Bruce A. McMullen

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 9th day of June, 2010, a copy of the foregoing was electronically filed and served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party:

Darrell J. O'Neal
2129 Winchester Road
Memphis, TN 38116

/s/ Bruce A. McMullen